counsel suggests, "walk up and pay out its money on the faith of a public record." It simply bought its notes and mortgages in Chicago without any examination whatever of the records of Clark County, Kansas. It bought its notes and mortgages in the very way in which banks and trust companies buy this class of paper everywhere. The very mode in which the Chicago Bank bought the paper in question in Chicago without going to Kansas to examine the record, is, in itself, an argument against its contention in this case that the records in regard to personal property should fetter and clog still more the transfer of chattel mortgage paper.

It seems to us that the reasoning of the opinion of the Supreme Court of Oklahoma has not been answered by counsel and that that reasoning is unanswerable.

The quotation from the language of Mr. Justice Swayne, at the bottom of page 52 and top of page 53 of cousel's brief, is as follows:

> "If one of two innocent persons must suffer "by a deceit, it is more consonant to reason that he "who 'puts trust and confidence in the deceiver "should be a loser rather than a stranger.'"

This applies more distinctly to the attitude in this case of the Chicago Bank, than it does to the Geneseo Bank. The Geneseo Bank did not put any trust or confidence in the Commission Company. The Chicago Bank did put trust and confidence in the Commission Company by buying its paper from that Company without first examining the record in Kansas. The Geneseo Bank did nothing to induce the Chicago Bank to give credit to the Commission Company.

Respectfully submitted,

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Clerk.

—IN THE—

Supreme Court of the United States

OCTOBER TERM, 1906.

NATIONAL LIVE STOCK BANK OF CHICAGO, ILLINOIS, *Plaintiff in Error,*
vs.
FIRST NATIONAL BANK OF GENESEO, ILLINOIS, *Defendant in Error.*
} No. 33.

Error to the Supreme Court of the Territory of Oklahoma.

Supplemental Brief of Defendant in Error.

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SUPPLEMENTAL BRIEF OF DEFENDANT IN ERROR.

Counsel of defendant in error in the above entitled cause beg leave to submit to the court the following additional authority in this case, in support of the contention of the defendant in error on the merits, namely, *First National Bank of Chicago* v. *Baird*, 141 Fed. Rep., 862.

Said case of *First National Bank of Chicago* v. *Baird*, will be found to be an exact precedent in support of all of the contentions of the defendant in error on the merits of this controversy. That case was decided by the United States Circuit Court of Appeals of the Eighth Circuit since the filing of briefs in this case, and in the opinion of the court in that case the opinion of the Supreme Court of Oklahoma in this action is cited, with other authorities, with approval.

Respectfully submitted,

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